

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maria Simeone	Team: Team # 6	CCRB Case #: 200610178	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/02/2006 8:00 PM	Location of Incident: § 87(2)(b)	Precinct: 103	18 Mo. SOL 2/2/2008	EO SOL 2/2/2008	
Date/Time CV Reported Wed, 08/02/2006 10:02 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 08/02/2006 10:02 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Reinaldo Alvarez	15342	927853	103 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Dion Chapman	14253	897180	103 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Reinaldo Alvarez	Abuse: PO Reinaldo Alvarez questioned § 87(2)(b)	§ 87(2)(b)
B.POM Reinaldo Alvarez	Abuse: PO Reinaldo Alvarez searched § 87(2)(b)'s property.	§ 87(2)(b)

Synopsis

On August 2, 2006, Sasanarian § 87(2)(b)'s vehicle was parked in front of § 87(2)(b) in Queens. § 87(2)(b) was inside of his vehicle while his friend, § 87(2)(b) who lived at the location and loaded his trunk with empty Poland Spring bottles when a marked police van drove past them. The patrol van stopped a few feet up the road and went in reverse and pulled up next to § 87(2)(b). PO Alvarez questioned § 87(2)(b) about what he was doing and what was inside of the numerous black plastic grocery bags he saw on the passenger seat of § 87(2)(b)'s vehicle (Allegation A). § 87(2)(b) explained that he had just come from food shopping and quickly stopped by § 87(2)(b)'s house to pick up water bottles before going home. PO Alvarez asked § 87(2)(b) if there were any opened containers of alcohol in the vehicle and if he was intoxicated. § 87(2)(b) told Mr. Alvarez that there were no opened containers of alcohol in his vehicle and that he has naturally red and watery eyes and was not intoxicated. PO Alvarez requested that § 87(2)(b) show him the contents of several of the bags, which § 87(2)(b) complied with (Allegation B). However, when PO Alvarez requested to be shown what was inside of one of the bags § 87(2)(b) had already shown him, § 87(2)(b) refused to continued and told PO Alvarez that he would exit his vehicle for the officers to search and consent to a breathalyzer test but that he would not show him anything else. PO Alvarez told § 87(2)(b) that he would not search his vehicle or give a breathalyzer test but was going to issue § 87(2)(b) a summons for § 87(2)(b).

§ 87(2)(b) chose to have his complaint mediated, however, PO Alvarez rejected mediation. § 87(2)(g)

Summary of Complaint

CCRB Complaint Response Unit

On August 2, 2006, § 87(2)(b) filed this complaint with the CCRB via the call processing system (Enc. 3A-B). § 87(2)(g)

Sasanarian § 87(2)(b) CCRB Statement

Sasanarian § 87(2)(b) testified at the CCRB on September 19, 2006 (Enc. 4A-D). He is a § 87(2)(b) old, 5'10" tall, 175 pound Asian man. On August 2, 2006, § 87(2)(b) had returned to Queens from a weekend at Dorney Park with his family. § 87(2)(b) described the day as being very sunny and extremely hot. At the time of the incident it was still very sunny outside. Earlier in the evening he went shopping at a West Indian market with his wife and dropped her off at another market before driving to his friend, § 87(2)(b)'s house located at § 87(2)(b) in Queens, to pick up empty Poland Spring bottles. There were numerous black plastic shopping bags on the floor of the front passenger seat with groceries. § 87(2)(b) was parked outside of § 87(2)(b)'s home in front of the driveway but not impeding traffic for about ten minutes. § 87(2)(b) had been seated inside of the vehicle while § 87(2)(b) was loading the empty bottles into the trunk when a marked police van drove by slowly. § 87(2)(b) turned towards the police van and looked at it while it drove about three car lengths past him. The van then reversed back towards § 87(2)(b) and stopped parallel to § 87(2)(b)'s vehicle. The officer seated in the passenger side, who § 87(2)(b) identified as Officer Reinaldo Alvarez from his tax registration number written on the summons § 87(2)(b) subsequently received, looked into § 87(2)(b)'s vehicle towards the grocery bags asked § 87(2)(b) what he was doing. § 87(2)(b) explained that he had just come from grocery shopping and was picking up empty bottles from his friend's house. Officer Alvarez asked if he was intoxicated. § 87(2)(b) replied that he was not. Officer Alvarez asked if there were any open alcoholic containers in his vehicle and what was inside of the plastic grocery bags. § 87(2)(b) stated that there were no open containers and that the bags contained groceries. Officer Alvarez remained seated in his vehicle and requested that § 87(2)(b) show him the contents of the bags so § 87(2)(b) reached down, grabbed a bag and opened it for Officer Alvarez to look inside. Officer Alvarez requested § 87(2)(b) show him more bags and § 87(2)(b) complied by showing him the contents of three bags. Officer Alvarez then requested § 87(2)(b) open a bag that he had already looked inside which § 87(2)(b) felt was unnecessary and excessive since there were so many bags. § 87(2)(b) asked Officer Alvarez why he was questioning him and wanted to see what was inside of the bags and Officer Alvarez said that it was because he looked intoxicated. § 87(2)(b) explained that he has naturally red eyes since he was a child and that his eyes may have been irritated more than usual from chlorine in the water at Dorney Park where he had spent the weekend. Officer Alvarez did not believe § 87(2)(b) and said that

he believed there to be open containers of alcohol inside of § 87(2)(b) vehicle. § 87(2)(b) told Officer Alvarez that he was not going to show him any more bags and that he would be willing to exit his vehicle and take a Breathalyzer test and Officer Alvarez could search his vehicle. At this point § 87(2)(b) interjected and said that Officer Alvarez was harassing § 87(2)(b). Officer Alvarez asked § 87(2)(b) who he was. § 87(2)(b) informed Officer Alvarez that he was the owner of the residence they were in front of. Officer Alvarez told him that he was interrupting a police investigation and to go inside his home because he could be arrested. § 87(2)(b) walked further into his yard and away from the vehicles but still within earshot. § 87(2)(b) repeated to Officer Alvarez that he would not show him any more bags. Officer Alvarez asked § 87(2)(b) if he was talking back to him and that he was going to be issued a ticket for § 87(2)(b), which § 87(2)(b) was ultimately issued. § 87(2)(b) went to the 109th Precinct and spoke with the desk sergeant who provided § 87(2)(b) with information on how to file a CCRB complaint.

Results of Investigation

§ 87(2)(b) Telephone Statement

On September 13, 2006, § 87(2)(b) provided a telephone statement (Enc. 5A). He stated that on August 2, 2006, § 87(2)(b) was picking up empty water bottles from his home when a police van pulled next to § 87(2)(b) vehicle. A Hispanic male officer in uniform and seated in the passenger side of the van requested that § 87(2)(b) show him the contents of the shopping bags in his vehicle. § 87(2)(b) complied and after showing the officer multiple bags refused to show any more. § 87(2)(b) stated that the officer, identified through the investigation as PO Reinaldo Alvarez, told § 87(2)(b) to "shut up." § 87(2)(b) became involved with the incident when he interjected that PO Alvarez was harassing § 87(2)(b). PO Alvarez asked § 87(2)(b) who he was and to move away and that he did not want to hear anything from him. § 87(2)(b) stated that PO Alvarez only told § 87(2)(b) to "shut up."

Officer Reinaldo Alvarez: CCRB Statement

Officer Reinaldo Alvarez testified at the CCRB on January 3, 2007 (Enc. 6A-E). PO Alvarez is a § 87(2)(b) - old 5'6" tall, 170 pound Hispanic male with brown eyes and brown hair. On August 2, 2006, PO Alvarez worked overtime with PO Chapman conducting precinct patrol from 6:00 p.m. to 2:05 a.m. He was dressed in uniform and the driver of a marked police van. PO Alvarez did not have any entries in his memo book pertaining to the incident; however, had entries at 9:30 p.m. and 9:35 p.m. placing him in the vicinity of the incident issuing summonses to two persons for § 87(2)(b). PO Alvarez did not recall the incident. He stated that he had been conducting car stops but could not recall stopping an individual seated in a parked vehicle outside of a residential building, suspected of intoxication and then asked to display the contents of bags located inside of the vehicle.

Officer Dion Chapman: CCRB Statement

Officer Dion Chapman testified at the CCRB on February 2, 2007 (Enc. 7A-B). He is a § 87(2)(b) old, 5'10" tall, 230 pound black man with black hair and black eyes. PO Chapman did not have any memo book entries from July 2006 to September 2006. He could not recall what hour he worked, but believed it was a day tour.

PO Chapman recalled the incident after being informed that the stop occurred in front of § 87(2)(b) in Jamaica where a man was loading empty Poland Spring water bottles into the back of a vehicle. PO Chapman was the operator of a blue van and PO Alvarez was the recorder. § 87(2)(b) is a one way street and PO Chapman drove up the street when they observed a double parked Grey SUV. PO Chapman pulled parallel to the vehicle and observed two men talking in front of the house. PO Chapman remained inside of the vehicle while PO Alvarez exited to write a summons for the parking violation. An Indian man, identified as § 87(2)(b) approached the officers when he saw PO Alvarez place the summons on his vehicle. PO Chapman described § 87(2)(b) as being very mad and was screaming about receiving a summons. PO Chapman believed that § 87(2)(b) tried to drive away while PO Alvarez was writing the summons, but then later stated that § 87(2)(b) never physically attempted to move the vehicle, he simply told PO Alvarez that he would move it to prevent getting a summons. PO Chapman stated that PO Alvarez may have looked inside of the vehicle because he was standing by the driver side window but never heard PO Alvarez question § 87(2)(b) about the contents of bags inside of his vehicle or request

to be shown what was inside of them. There was no mention of § 87(2)(b) being intoxicated. The owner of the house, identified by the investigation as § 87(2)(b) approached PO Alvarez and § 87(2)(b) but PO Chapman did not know what occurred during this interaction. PO Chapman did not have any interaction with either man. PO Alvarez placed the summons on § 87(2)(b)'s vehicle and the officers drove away. The incident only lasted a few minutes.

Police Documentation

The 103rd Precinct roll call for tour 3 on August 2, 2006, does not list PO Alvarez and PO Chapman working. There was no UF 250 completed for the stop.

The summons disposition was unavailable.

CCRB History

This is the first complaint filed by § 87(2)(b) (Enc. 2A). Officer Reinaldo Alvarez has been disciplined twice pursuant to CCRB case 200302054 where he was substantiated for threat of arrest and issuing a retaliatory summons and received command discipline A (Enc. 1A).

Criminal Conviction History

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) provided PO Alvarez's name and shield number to the CCRB which he obtained from the summons he was issued. Although PO Alvarez could not recall the incident, his partner, PO Chapman, corroborated § 87(2)(b)'s ascertain that he was stopped by PO Alvarez.

Disputed and Undisputed Facts

PO Alvarez could not recall the incident. PO Chapman corroborated § 87(2)(b)'s claim that he was issues a summons for § 87(2)(b). However, PO Chapman stated that § 87(2)(b) was not inside of his vehicle, § 87(2)(g) when PO Alvarez approached to issue a summons. He claimed that § 87(2)(b) was screaming and very upset, § 87(2)(g). PO Chapman also disputed § 87(2)(b)'s claim that PO Alvarez requested to be shown the contents of several bags located inside of § 87(2)(b)'s vehicle.

Assessment of Evidence

While PO Alvarez did not recall the incident, it is clear from his testimony and memo book that he was partnered with PO Chapman conducting vehicle stops at the time of the incident. PO Chapman's recollection of the incident shows that some kind of interaction between the officers and § 87(2)(b) took place when they pulled over for PO Alvarez to issue § 87(2)(b) a summons for § 87(2)(b). § 87(2)(g) § 87(2)(b) stated that he had been parked in the street but was not impeding vehicular traffic, § 87(2)(g). § 87(2)(b) stated that he had been parked in the street in front of the drive way, § 87(2)(g).

When § 87(2)(b) appeared at the CCRB to give his statement he had noticeably red and watery eyes in the daylight. He stated that the RMP drove by and then reversed towards him. The incident occurred in the evening § 87(2)(g).

PO Chapman stated that he remained inside of the vehicle while PO Alvarez exited to issue the

summonses and that he had no direct involvement in the incident and could not hear what transpired between PO Alvarez and § 87(2)(b) § 87(2)(g)

Allegation A: PO Reinaldo Alvarez questioned § 87(2)(b)

Allegation B: PO Reinaldo Alvarez searched § 87(2)(b) property

§ 87(2)(g)

According to § 87(2)(b)'s statement, he consented to PO Alvarez's request and showed the contents. However, eventually § 87(2)(b) became frustrated and did not wish to open any more bags. When § 87(2)(b) no longer consented to the search, PO Alvarez left the location without further actions.

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: